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APPLICATION NO.	FILIN	G DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/811,088	03/2	5/2004	Gregory L. Plett	LGC-0004 (0009587-0006)		
23413	7590	05/05/2006		EXAMINER		
CANTOR COLBURN, LLP			BOATENG, ALEXIS ASIEDUA			
55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002				ART UNIT	PAPER NUMBER	
DECOMM 12	22, 01 00	-		2838		
				DATE MAILED: 05/05/2006	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

APPLICATION No. Application No. Application No. Application Art Unit Alexis Boateng Art Unit Alexis Boateng Ask Unit Alexis Boateng Alexis Boateng				B
## Examiner ## And Unit ## Aloxis Boateng ## And Unit ## Aloxis Boateng ## Aloxis Bo		Application No.	Applicant(s)	7
Alaxis Boateng		10/811,088	PLETT, GREGORY L.	
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of the many be available under the provious of 37 CPt. 13(0). In no event, however, may a reply be temby field If NO period for reply is apecified above, the reasons attations period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Failure to sign which has to redended period for rigid, bill, ye stations, cashe the peptication to become ABANDOURGE (5) US US. € 13(3). A reply ship will be set or extended period for rigid, bill, ye stations, cashe the peptication to exceed above. The reasons are period will apply and will expire any expire ship ship of the communication. Failure to spiral term separament. Set 37 CPT 17(30). Status Status **This action is FINAL.** 2b	Office Action Summary	Examiner	Art Unit	
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DETAILED ACTION

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Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - Claims 1 58, drawn to methods of calculating the maximum discharge and minimum charge classified in class 320 subclass 149.
 - Claims 59 74 drawn to an apparatus, which claims an estimator means classified in class 320 subclass 128.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another and materially different apparatus or by hand such as one not having estimator means, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)).
- 3. Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.
- 4. This application contains claims directed to the following patentably distinct species:

WITHIN GROUP I, there are two SPECIES – **Species 1:** 1 – 29, **Species 2:** 30 – .

58. The species are independent or distinct because they each have mutually exclusive

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elements such as method for calculating maximum discharge and calculating minimum charge.

WITHIN GROUP II, there are two SPECIES – **Species 1:** 59 – 66, **Species 2:** 67 – 74. The species are independent or distinct because they each have mutually exclusive elements such as an apparatus claiming an estimator means for calculating a maximum discharge and an estimator means for calculating a minimum charge.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

5. A telephone call was made to Chad Thorson on April 26, 2006 to request an oral election to the above restriction requirement, but did not result in an election being made.

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Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexis Boateng whose telephone number is (571) 272-5979. The examiner can normally be reached on 8:30 am - 6:00 pm, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Karl Easthom can be reached on (571) 272-2084. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AB

KARL EASTHOM
SUPERVISORY PATENT EXAMINER